

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rebecca Ho	Team: Squad #3	CCRB Case #: 201502958	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 04/18/2015 8:10 PM	Location of Incident: Utica Avenue between Snyder Avenue and Church Avenue	Precinct: 67	18 Mo. SOL 10/18/2016	EO SOL 10/18/2016	
Date/Time CV Reported Sun, 04/19/2015 8:02 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 04/19/2015 8:02 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Arturo Gomez	14128	954876	PBBS
2. POM Miguel Vanbrakle	28743	955616	PBBS
3. LT Timothy Edwards	00000	922299	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Miguel Vanbrakle	Discourtesy: PO Miguel Vanbrakle spoke rudely to § 87(2)(b)	
B.POM Arturo Gomez	Force: PO Arturo Gomez used physical force against § 87(2)(b)	
C.POM Miguel Vanbrakle	Force: PO Miguel Vanbrakle used physical force against § 87(2)(b)	
D.POM Arturo Gomez	Abuse: PO Arturo Gomez damaged § 87(2)(b)s property.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On April 19, 2015, at approximately 8:10 p.m., § 87(2)(b) was driving his Ford Mustang convertible Utica Avenue in Brooklyn when he was pulled over by PO Arturo Gomez and PO Miguel Van Brakle between Snyder Avenue and Church Street. PO Gomez stood at the driver's side door and asked for § 87(2)(b) for his identification. § 87(2)(b) asked PO Gomez what he had been pulled over for; in response PO Croker asked § 87(2)(b) for his identification and informed him if he did not produce identification he would be removed from his car. § 87(2)(b) responded by asking PO Gomez to request a supervisor to the scene. PO Van Brakle said to § 87(2)(b) "Who the fuck do you think you are requesting a fucking supervisor?" (**Allegation A**). Then, PO Gomez and PO Van Brakle entered § 87(2)(b)'s vehicle to pull him out and place him in handcuffs. § 87(2)(b) alleged he was thrown against the hood of the police car which caused him to sustain scratches to his shins (**Allegations B and C**) (Board Review 01). Lt. Timothy Edwards and other officers had responded to the scene. Lt. Edwards spoke with § 87(2)(b) and asked him to provide his identification. When § 87(2)(b) did not provide his identification, Lt. Edwards instructed officers to bring him back to the 67th Precinct stationhouse. § 87(2)(b) was brought over to the side of the police vehicle where his head was pushed into the police car by PO Van Brakle as another officer grabbed his legs and flung them into the car. PO Van Brakle said to § 87(2)(b) "Get the fuck in the car. Who the fuck do you think you are?" (**Allegation A continued**). PO Gomez drove § 87(2)(b)'s Mustang back to the 67th Precinct stationhouse. After two hours in the stationhouse holding cell, § 87(2)(b) was released with four summonses – two for window tints, one for disorderly conduct, and another for a loud exhaust (Board Review 02). § 87(2)(b) observed a large scratch on his vehicle that was not there prior to PO Gomez driving it (**Allegation D**). § 87(2)(g), § 87(4-b)

Mediation, Civil and Criminal Conviction Histories

- This case was ineligible for mediation as § 87(2)(b) does not visit NYC often, had stated he was planning on filing a lawsuit, and because he alleged physical injuries as well as property damage.
- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of May 20, 2015 with regard to the incident (60-days before the filing deadline).
- § 87(2)(b)
- § 87(2)(b)
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Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Arturo Gomez has been a member of the service for 1 year and there are no substantiated CCRB allegations against him.
- PO Miguel Van Brakle has been a member of the service for 1 year and this is the first CCRB complaint against him,
- Lt. Timothy Edwards has been a member of the service for 16 years and there is 1 substantiated CCRB allegations against him.

- In CCRB case 201200605, a stop allegation was substantiated, command discipline recommended, and the NYPD decided no disciplinary action or penalty would be imposed.

Finding and Recommendations

Allegations Not Pleaded

- **Vehicle stop:** Summonses issued to § 87(2)(b) for a loud exhaust and window tints establish the fact that PO Gomez and PO Van Brakle stopped § 87(2)(b) for vehicular violations. Consequently, it is not an allegation.
- **Vehicle search:** § 87(2)(b) noted in his initial complaint that PO Gomez looked around the vehicle and unlocked the glove compartment to obtain his insurance and registration papers before transporting the vehicle to the stationhouse. As § 87(2)(b) did not allege in his sworn testimony that his vehicle was searched, the allegation is not pleaded.

Explanation of Subject Officer Identification

§ 87(2)(b) identified PO Gomez and PO Van Brakle by name (which he read from their shields) as the two officers who stopped his vehicle and entered it to forcefully pull him out and then threw him onto the hood of their vehicle. § 87(2)(b) alleged that PO Van Brakle was cursing at him the entire time, using the word “fuck” and “fucking” in numerous contexts. § 87(2)(b) further alleged that PO Van Brakle forced him into the back seat of a police vehicle and that PO Gomez scratched his vehicle while driving it to the 67th Precinct stationhouse. As a result, **Allegations A and C** are pleaded against PO Van Brakle and **Allegations B and D** are pleaded against PO Gomez. As Lt. Edwards acknowledged participating in the incident § 87(2)(b) is pleaded against him.

Recommendations

- **Allegation A – Discourtesy: PO Miguel Van Brakle spoke rudely to § 87(2)(b)**
§ 87(2)(b) alleged that throughout the incident, PO Van Brakle used the words “fuck” and “fucking” in numerous contexts towards him, such as “who the fuck do you think you are,” “requesting a fucking supervisor,” and “get the fuck in the car.” PO Van Brakle denied making the alleged discourteous statements to § 87(2)(b). PO Gomez and Lt. Edwards did not hear PO Van Brakle speak rudely to § 87(2)(b). § 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b).

- **Allegation B – Force: PO Arturo Gomez used physical force against § 87(2)(b)**
- **Allegation C – Force: PO Miguel Van Brakle used physical force against § 87(2)(b)**
After being asked for his identification and refusing to provide it, § 87(2)(b) explained he was informed by PO Gomez and PO Van Brakle that if he did not provide his identification, they would remove him from his vehicle. PO Van Brakle opened § 87(2)(b)'s door and grabbed him by his left arm to pull him out. Once outside of his vehicle, § 87(2)(b) was pushed against his own vehicle and then brought over to the front of the police vehicle, where he was “thrown” chest-down onto the hood with his feet off the ground. § 87(2)(b) alleged he sustained scratches to his shins. While leaned over the hood, § 87(2)(b) was handcuffed.

PO Van Brakle and PO Gomez asked § 87(2)(b) numerous times to provide his identification and each time, § 87(2)(b) stated he would not provide it because he was stopped for no reason. PO Gomez explained to § 87(2)(b) he had been stopped for his loud exhaust, and § 87(2)(b) still refused to provide his identification. PO Van Brakle and PO Gomez each informed § 87(2)(b) that if he did not provide his identification, he would be removed from his

Investigator: _____ Rebecca Ho 06/03/2015
Signature Print Date

Supervisor: _____
 Title/Signature Print Date

Reviewer: _____
 Title/Signature Print Date

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